

City Council Agenda

Council President
Mike Dages

Councilmembers

Tom Boyajian
Brian Calhoun
Jerry Duncan

Henry T. Perea
Cynthia Sterling
Larry Westerlund

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

October 4, 2005

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. p.m. and re-played beginning at 8:30 p.m.

8:30 A.M. ROLL CALL

Invocation by Pastor Ara Guekguezian of the Pilgrim Armenian Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of SPCA Pet of the Month – Councilmember Sterling

Presentation of Life-Saving Awards to Three Southwest Police Officers – Police Dept.

Proclamation of the “CIVIL WAR REVISITED” – Councilmember Westerlund

Proclamation of “FRESNO MUSICAL CLUB DAY” – Mayor Autry and Council President Dages

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of September 27, 2005

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

- A. **RESOLUTION** - Authorizing application for and acceptance of California State Department of Housing and Community Development Fiscal Year 2005 NOFA – CalHome Program funding and execution of documents – Planning and Development Dept.

Action Taken:

- B. **RESOLUTION** - Authorizing the acceptance of Fiscal Year 2005 Cycle State Homeland Security Program subgrant funds of \$350,000 from the State Office of Homeland Security, through the County of Fresno and authorizing completion of related documents – Police Dept.

Action Taken:

1. * **RESOLUTION** - 6th amendment to AAR No. 2005-286 appropriating \$350,000 for the Police Department's Homeland Security Grant Program to fund the purchase of an armored rescue vehicle
(Require 5 affirmative vote)

Action Taken:

- C. * Approve the acquisition of a street easement at 3603 E. Butler Avenue from property owned by Thomas E. Avakian, as successor trustee under the Lillian Avakian Revocable Living Trust Agreement dated June 21, 1993 – Public Works Dept.

Action Taken:

- D. * **RESOLUTION** - 32nd amendment to the AAR No. 2005-286 appropriating \$251,600 in donation revenue from the Angel's Campaign for maintenance projects at the Chaffee Zoo (**Requires 5 affirmative votes**) – PR&CS

Action Taken:

- E. Approve the Parks, Recreation & Community Services Department (PR&CS) plan to establish a night custodial crew in City parks – PR&CS

Action Taken:

1. * **RESOLUTION** - 9th amendment to the PAR No. 2005-287 adding three (3) positions that will be used by the Parks, Recreation & Community Services Department to establish night parks maintenance/custodial crews in City parks

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- F. **RESOLUTION** - Approving the Final Map of Tract No. 5290 and accepting dedicated public uses therein and authorize the Public Works Director, Planning and Development Director , Public Utilities Director and Fire Chief to execute the necessary documents – Planning and Development Dept.
Action Taken:
- G. Approve appointment of Kathleen M. Monaghan to the Historic Preservation Commission – Mayor Autry
Action Taken:
- H. * **RESOLUTION** – 10th amendment to PAR No. 2005-287, adding two (2) Staff Assistant and Account Clerk II positions, four (4) Code Enforcement Specialist positions, and one (1) Management Analyst II position, to fulfill State-mandated recycling and “Containers in View” Enforcement – Dept. of Public Utilities
Action Taken:
1. * **RESOLUTION** - 27th amendment to AAR No. 2005-286 appropriating \$517,800 for the implementation of a construction and demolition diversion and solid waste code enforcement programs **(Requires 5 affirmative votes)**

2. **GENERAL ADMINISTRATION**

- A. Consider Mayor Autry's request for reconsideration of award of contract to Bowen Engineering and Environmental for building demolition at 800 and 808 “M” Street
Action Taken:
- B. * Request authorization to execute a professional services agreement in the amount of \$300,000 with URS Corporation for services related to the processing of development projects – Planning and Development Dept.
Action Taken:
- C. Appoint Mayor Alan Autry as the voting delegate, with City Manager Andy Souza as the alternate voting delegate to the League of California Cities annual business meeting on October 8, 2005, and rescind the previous Council action - City Manager's Office
Action Taken:

3. **CITY COUNCIL**

- A. Direct City Attorney to return with modifications to the Fresno Municipal Code to prohibit the pick-up of residential solid waste (trash, green waste and recyclables) before 6:00 a.m. – Councilmember Duncan
Action Taken:
- B. Council discussion regarding the establishment of a Parks and Recreation Facilities Commission to conduct an assessment of the current City of Fresno Parks and Recreation facilities and provide recommendations to the Mayor and Council for future parks and recreation facilities and potential rehabilitation or addition to current facilities for the ultimate adoption of a Parks Facility Master Plan - Councilmember Westerlund
Action Taken:
1. Direct staff to return with enabling documents to establish the commission
Action Taken:
- C. * **RESOLUTION** - 31st amendment to AAR No. 2005-286 appropriating \$500,000 from the State Vehicle License Fee Refund to assist in funding social service agencies **(Requires 5 affirmative votes)** – Councilmember Sterling
Action Taken:

3. **CITY COUNCIL CONTINUED**

- D. * **RESOLUTION** - Authorizing payment of salary differential benefits and the City's portion of the employees' health and welfare contribution to permanent City employees called into active duty as a result of the Gulf Coast region hurricanes - Councilmember Duncan

Action Taken:

- E. Requesting status on the agenda item of August 16, 2005, on low crime rate statistics and how does the Police Dept. arrive at their conclusion - Councilmember Tom Boyajian

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. SCHEDULED COMMUNICATION

1. Appearance by Eric Wardwell to discuss amending Ordinance No. 96-67 to allow extra time for senior citizens and the disabled people to speak more than three minutes at a Council meeting

- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

10:00 A.M. HEARING to consider Rezone Application No. R-04-67 and environmental findings, filed by Claude Saiz, Jr., pertaining to 0.53 acre of property located on the west side of North Augusta Street between Freeway 180 and E. Thomas Avenue – Planning and Development Dept.

- a. Consider and adopt Environmental Assessment No. R-04-67, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan.

Action Taken:

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-1 (*Single Family Residential*) zone district to the R-2/cz (*Low Density Multiple Family Residential/conditions of zoning*) zone district.

Action Taken:

10:15 A.M. CONTINUED HEARING- Regarding altering the services, the special tax and the appropriations limit for City of Fresno Community Facilities District No. 2, Annexation No. 61 (Final Tract Map No. 4598) – Public Works Dept.

Action Taken:

- a. * **RESOLUTION** - Authorizing levy of an amended special tax and setting an amended appropriations limit

Action Taken:

- b. **RESOLUTION** – Calling a special mailed-ballot election

Action Taken:

- c. **RESOLUTION** – Declaring election results

Action Taken:

- d. **RESOLUTION** – Changing maximum special tax

Action Taken:

- e. * **BILL** – Amending Ordinance No. 2004-04 and Ordinance No. 2005-74, and levying an amended special tax

Action Taken:

10:30 A.M.#1 CONTINUED HEARING to consider designation of the W.D. Coates Home, located at 264 N. Van Ness Avenue and Black's Package Company (Gottschalk's Service Center), located at 755 Van Ness Avenue to the Local Register of Historic Resources - Planning and Development Dept. (***Continue to 10/11/05 at 10:00 a.m.***)

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:30 A.M.#2 BILL – (For introduction) - Repealing Section 8-1217 to the Fresno Municipal Code relating to the sunset provision of the Mobilehome Park Rent Review and Stabilization ordinance – City Council
Action Taken:

10:45 A.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of September 20, 2005

Action Taken:

- A.** Request staff (City/RDA) to return to Council with an action plan and time-line for making Roeding Business Park a success – Councilmember Calhoun
Action Taken:
- B.** Receive presentation from Forest City Development, Inc. regarding the South Stadium Project Area located within the Convention Center, Central Business District, Chinatown Expanded and S. Van Ness Redevelopment Project Areas and consider taking the following actions:
- 1.** Direct the Agency's Executive Director to analyze the data submitted by Forest City and return within 90-120 days with proposed conceptual deal points and further direction regarding the negotiation and preparation of a Disposition and Development Agreement and related documents **(Council and Agency action)**
Action Taken:
 - 2.** Approve Amendment No. 1 to the Exclusive Negotiation Agreement subject to minor modifications approved by Executive Director, and approved as to form by the City Attorney's Office **(Council and Agency action)**
Action Taken:
- C.** Continued deliberations regarding the Convention Center Redevelopment Plan:
(Item scheduled for October 4, 2005, at 4:30 p.m. to be continued to October 11, 2005 @ 3:00 P.M)
- 1.** Find that the proposed plan amendments, as reflected by the amended plan, conform to the Fresno General Plan and adopt the Environmental Finding of Conformity/Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan for Environmental Assessment NO. RDA 2005-1 **(Council and Agency action)**
Action Taken:
 - 2.** Find that the Convention Center Redevelopment Plan, as proposed to be amended, is consistent with the Fresno General Plan including, but not limited to, the Housing Element of the General Plan **(Council and Agency action)**
Action Taken:
 - 3. * BILL –** Amending the Redevelopment Plan for the Convention Center Redevelopment Project Area **(Council action)**
Action Taken:

ADJOURN AGENCY

2:00 P.M. #1 CONTESTED CONSENT CALENDAR

2:00 P.M. #2 CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9, subdivision (a)

- 1. Case Name:** City of Fresno v. Pinedale Public Utility District
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M. #2 **CLOSED SESSION CONTINUED**

- C. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – Government Code Section 54957 -
 Title: City Clerk
 Action Taken:

2:00 A.M. #3 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

2:30 P.M. **CONTINUED HEARING** – Amending MFS Resolution No. 80-420 to add and adjust various Department of Public Utilities Community Sanitation, Solid Waste, Wastewater, and Water Fees – Dept. of Public Utilities

Action Taken:

- a. * **RESOLUTION** – 435th amendment to MFS Resolution No. 80-420

Action Taken:

3:30 P.M. Continued deliberations to consider Rezone Application No. R-04-104 and environmental findings, filed by Clifford Tutelian on behalf of Park Place Holdings, pertaining to 19.08 acres of property located on the southwest corner of N. Palm and W. Nees Avenues (***Property located in District 2***) – Planning and Development Department (***Continue to 10/25/2005 @ 10:20 a.m.***)

Action Taken:

- a. Consider and adopt a finding of Mitigated Negative Declaration for Environmental Assessment No. R-04-104/C-04-318

Action Taken:

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

Oct.	11 -	10:00 A.M.	CONTINUED HEARING to consider designation of the W.D. Coates Home, located at 264 N. Van Ness Avenue and Black's Package Company (Gottschalk's Service Center), located at 755 Van Ness Avenue to the Local Register of Historic Resources - Planning and Development Dept.
Oct.	11 -	10:15 A.M.	HEARING re: Rezone Application No. R-05-23, filed by Tejinder Randhawa
Oct.	11 -	10:20 A.M.	HEARING re: Rezone Application No. R-05-33, filed by provost & Pritchard, Inc., on behalf of RZR Enterprise
Oct.	11 -	10:30 A.M.	HEARING re: Rezone Application No. R-04-108, filed by R.J. Hill Homes
Oct.	11 -	3:00 P.M.	Continued deliberations regarding the Convention Center Redevelopment Plan
Oct.	11 -	4:00 P.M.	HEARING re: CUP Appl. No. C-03-265m filed by Gurbachan Singh
Oct.	11 -	4:30 P.M.	HEARING re: Vesting Tentative Tract Map No. 5424, filed by Dunmore Homes on behalf of Wilmer James Case and George and Susan Chambers
Oct.	18 -	NO MEETING - COUNCIL BREAK	
Oct.	25 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates (Reception immediately following – 2 nd floor foyer)
Oct.	25 -	10:00 A.M.	HEARING re: vacation of a portion of Harvey east of Clovis (R.I. No. 1045-D)
Oct.	25 -	10:15 A.M.	HEARING re: Resolution of intention to annex Final Tract No. 5285 to the City of Fresno Community Facilities District No. 2, Annexation No. 106
Oct.	25 -	10:20 A.M.	Continued deliberations to consider Rezone Application No. R-04-104 and environmental findings, filed by Clifford Tutelian on behalf of Park Place Holdings
Oct.	25 -	10:30 A.M.	TEFRA HEARING re: the refinancing of a 240-unit multifamily rental housing development commonly known as Village at Ninth Apartments
Oct.	25 -	10:45 A.M.	HEARING re: the refinancing of a 204-unit multifamily rental housing development commonly known as Village at Shaw Apartments
Oct.	25 -	3:00 P.M.	HEARING re: Rezone Application No. R-04-48 and C-04-126, filed by Gary Vigen
Oct.	25 -	4:00 P.M.	HEARING - 2005 Cycle II Trimester Plan Amendments
Nov.	8 -	MEETING CANCELED – SPECIAL ELECTION DAY	
Nov.	9 – (Wed)	3:00 P.M.	Presentation of Employee Service Awards in the Council Chambers with a reception immediately following – 2 nd floor foyer)
Nov.	15 -	10:00 A.M.	HEARING re: vacation of a portion of E. Ashcroft Avenue @ N. Sharon Avenue
Nov.	15 -	10:30 A.M.	Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling
Nov.	22 -	NO MEETING - THANKSGIVING WEEK	
Dec.	20 -	NO MEETING - CHRISTMAS WEEK	
Dec.	27 -	NO MEETING - NEW YEARS WEEK	

(Future workshops – dates to be determined)

WORKSHOP – Follow-up discussion regarding Caltrans discussion held 12/7/2004